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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 554 OF 2007

The State of Maharashtra through
The Dy. Director of Town Planning,
Nashik & anr. ... Petitioners

V/s

Shri Bhaskar Ramji Gavit ... Respondent

Mr. Y.D. Mulani, A.G.P. for the petitioners.

Mr. M.S. Karnik for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 18TH JULY, 2007.

P.C.:

1. The petition has been filed against the order of the Industrial Court dated 8.8.2006 in Complaint (ULP) No. 14 of 2006. The complaint was filed by the respondent workman contending that the petitioners had committed unfair labour practices under Items 5, 6, 9 & 10 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971.

2. The petitioners resisted the complaint by filing their written statement. One of the contentions raised in the written statement was, whether the Town Planning and Valuation Department, where the respondent workman

was employed is an "industry" as defined under the Industrial Disputes Act, 1947.

3. The Industrial Court decided the complaint without framing this specific issue as to whether the Town Planning and Valuation Department is an "industry". Therefore, the complaint will have to be remanded for a fresh decision on all aspects including, whether the Town Planning and Valuation Department, where the respondent workman was employed is an "industry". The Industrial Court shall frame that issue before deciding the complaint. Parties are at liberty to lead evidence on all issues including on the question as to whether the Town Planning and Valuation Department is an "industry". All issues shall be decided at the same time by the Industrial Court.

4. Parties to remain present before the Industrial Court on 6.8.2007.

5. Petition disposed of accordingly.

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